



City of Rockville

## MEMORANDUM

July 10, 2009

TO: Planning Commission *ADC*

FROM: Castor D. Chasten, Planner III - CPDS

SUBJECT: Time Extension Request - Use Permit USE2006-00700  
PMG, Inc. c/o Robert Ackerly  
801 Hungerford Drive, Rockville, Maryland, 20850

At its June 27<sup>th</sup> 2007 meeting the City of Rockville Planning Commission considered and voted to approve the referenced application and accompanying development proposal, subject to certain conditions. Commission approval was in accordance with previously approved Special Exception SPX2006-00365 and Zoning Variance APP2006-00857. Under said use permit approval, the applicant will fully redevelop the existing automobile filling station site. The existing station facilities will be razed, a new station building with a convenience store component and ancillary restaurant will be constructed, existing fuel dispensers will be replaced by new modern pumps, new underground fuel storage tanks installed, a new freestanding canopy to shelter the fuel pumps will be constructed, existing site vehicular entrances on both Hungerford Drive and Frederick Avenue will be redesigned, and other associated site improvements will be implemented.

The applicant plans to construct a new 2,736 square foot filling station building, designed as a convenience store with an ancillary (469 square foot) food sales component. The proposed overhead canopy will be approximately 2,880 square feet in size and will shelter the six (6) new multi-fuel dispenser pumps. The new fueling positions are designed to accommodate twelve (12) vehicles. The proposed freestanding canopy will be approximately 80 feet in length and 36 feet in width, with a height of 16.6 feet (as measured from the finished grade to the underside of the roof).

A total of 17 on-site surface parking spaces are required and will be provided for the proposed new "class I automobile filling station" and its ancillary retail uses. The proposed new filling station with its convenience store and fast food component, i.e., Dunkin Donuts and Baskin Robbins, will be operational 24 hours a day, seven days a week, and staffed by four (4) employees per work shift. There will be three (3) work shifts, each eight (8) hours in length.

Section 25.08.02(b) of the City of Rockville Zoning Ordinance states that **construction under a use permit approved prior to March 16, 2009 must commence within two (2) years from the date of the approval letter of the Commission or the use permit will expire.** However, if the

applicant can show good cause, the Planning Commission may grant a total of two time extensions, each not to exceed one year in duration respectively. The applicant has been advised that time extension requests are not automatically approved and sufficient justification is required in order to grant time extension requests.

It is important to note that expiration of the use permit is based on the initial approval date of USE2006-00699. Thus, in accordance with the Planning Commission's letter approving the referenced use permit dated July 11, 2007, the use permit will expire on July 11, 2009 without Planning Commission approval of the time extension request as now submitted.

In order to keep the subject use permit approval in full force and effect and fully satisfy all of the associated conditions of the project's approval, the applicant requests a one (1) year time extension of the application's July 11, 2009 expiration date, as per the reasons set forth in the attached time extension request.

/cdc

Attachments



Application for

# Time Extension

Print Form

**EXT**  
2/09

## City of Rockville

Department of Community Planning and Development Services

111 Maryland Avenue, Rockville, Maryland 20850

Phone: 240-314-8200 • Fax: 240-314-8210 • E-mail: Cpds@rockvillemd.gov • Web site: www.rockvillemd.gov

Please Print Clearly or Type

Property Address Information 801 Hungertord DriveProperty Name Parcel 366 Block C and Parcel N 367 Block CProject Description Full redevelopment of existing service station to new service station building with convenience store and ancillary restaurants, new underground tanks, new pumps, new canopy and related site improvementsSUBDIVISION 201 Lot (S) 33 Block CZoning C-2 Tax Account (S) 04-00-142206, 04-03-317812Applicant Information: See Attachment I

Please supply Name, Address, Phone Number and E-mail Address

Applicant \_\_\_\_\_

Property Owner \_\_\_\_\_

Architect \_\_\_\_\_

Engineer \_\_\_\_\_

Attorney \_\_\_\_\_

## STAFF USE ONLY

Application Acceptance:

Application # USE 2006-00700

Pre-Application \_\_\_\_\_

Date Accepted \_\_\_\_\_

Staff Contact \_\_\_\_\_

Application Intake:

Date Received 7/7/09Reviewed by Eas. Chester

Date of Checklist Review \_\_\_\_\_

Deemed Complete: Yes ☐No ☐

ORIGINAL APPLICATION NUMBER USE 2006-00700ORIGINAL APPLICATION APPROVAL DATE 7.1.11.07DATE OF ANY PREVIOUS TIME EXTENSIONS GRANTED (IF ANY) 1 1 NoneA TIME EXTENSION IS NECESSARY FOR THE FOLLOWING REASON (S) SOC Attachment II

*A letter of authorization from the owner must be submitted if this application is filed by anyone other than the owner.*  
I hereby certify that I have the authority to make this application, that the application is complete and correct and that I have read and understood all procedures for filing this application.

Please sign here: Robert E. Achery**Application Checklist:**☒ Complete Application☒ Filing Fee**Comments on Submittal: (For Staff Use Only)****EXT**

## ATTACHMENT I

### Applicant Information (Name, Address, Contact, Phone No., E-mail Address)

#### Applicant

Petroleum Marketing Group, Inc.  
12680 Darby Brooke Court  
Woodbridge, VA 22192  
Bob Ackerley  
703-927-0053  
[rackerley@petormg.com](mailto:rackerley@petormg.com)

#### Property Owner

G. D. Armstrong Company, Inc.  
21504 Laytonsville Road  
Laytonsville, MD 20882  
Hugh McNaughton, President  
301-948-1900  
[gdarms@concast.net](mailto:gdarms@concast.net)

#### Architect

MDK Associates  
7500 Overlook Court  
Oxon Hill, MD 20745  
Minoo Khaghani  
301-839-0213  
[mdkhaghani@aol.com](mailto:mdkhaghani@aol.com)

#### Engineer

Colbert Matz Rosenfelt, Inc.  
2835 Smith Street, Suite G  
Baltimore, MD 21209  
Ken Colbert  
410-653-3838  
[kcolbert@cmrengineers.com](mailto:kcolbert@cmrengineers.com)

#### Attorney

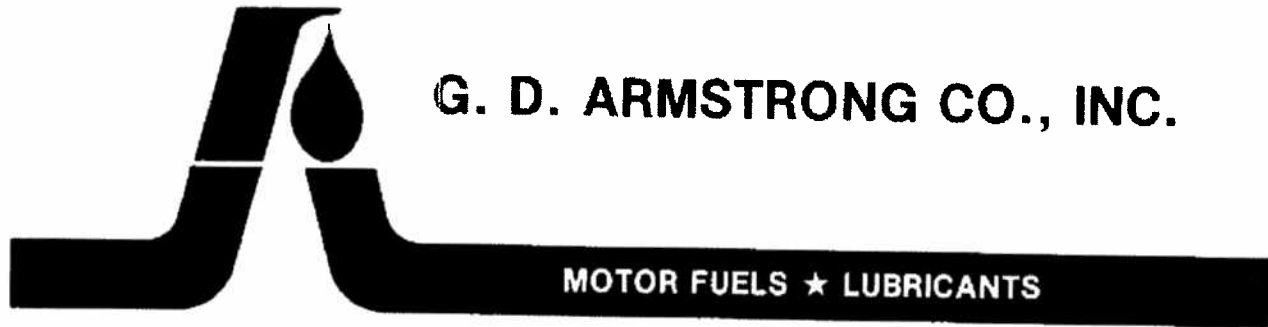
Abrams & West, P.C.  
4550 Montgomery Avenue  
Suite 760  
Bethesda, MD 20814-3304  
Stan Abrams  
301-951-1540  
[sabrams@awsdlaw.com](mailto:sabrams@awsdlaw.com)

## ATTACHMENT II

Petroleum Marketing Group, Inc. requests a 12 month extension of Use Permit No. US2006-0070A for the full redevelopment of existing service station to new modern service station including 2736 sq. ft. convenience store and restaurant building, new state of the art underground tank system and modern pumps, new 36' x 80' freestanding canopy, and related site improvements and landscaping.

Because of overall economy and challenging petroleum industry conditions we have been unable to secure the required financing and operating arrangement. However, both the economy and industry conditions have improved and we have promising prospects that would enable us to proceed with the project.

We believe completion of the project will benefit all parties in that it would eliminate a vacant facility, improve/beautify the property, and result in environmental clean up of the site.



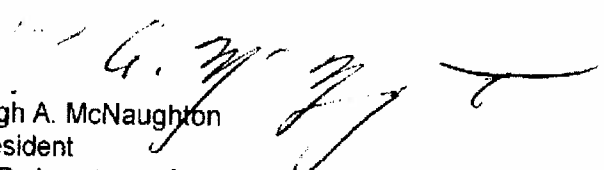
July 2, 2009

City of Rockville  
Department of Community Planning and Development Services  
111 Maryland Avenue  
Rockville, Maryland 20850

RE: 801 Hunderford Drive

I hereby authorize Petroleum Marketing Group, Inc, to make application to extend Use Permit USE-2006-00700 for an additional 12 month period.

Sincerely,

  
Hugh A. McNaughton  
President  
G. D. Armstrong Co., Inc.